

#### **405 KAR 3:130. Protection of the hydrologic system.**

RELATES TO: KRS 350.151

STATUTORY AUTHORITY: KRS 350.151

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.151 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the surface effects of underground coal mining. This administrative regulation sets forth requirements for minimizing disturbances to the hydrologic system.

Section 1. General. The permittee shall plan and conduct surface operations of underground coal mining and reclamation operations to minimize disturbance to the prevailing hydrologic balance in order to prevent long-term adverse changes in the hydrologic balance that could result from underground coal mining operations, both on and off site.

(1) Changes in water quality and quantity, in the depth to groundwater, and in the location of surface water drainage channels shall be minimized and applicable federal and state statutes and regulations are not violated.

(2) The permittee shall conduct operations so as to minimize water pollution and shall, where necessary, use treatment methods to control water pollution. The permittee shall emphasize surface operations of underground coal mining and reclamation practices which will prevent or minimize water pollution and changes in flows in preference to the use of water treatment facilities prior to discharge to surface waters. Such practices include, but are not limited to, diverting water from underground workings, of preventing water contact with acid or toxic-forming materials, minimizing water contact time with waste materials, stabilizing disturbed areas through grading, diverting run-off, and achieving quick growing stands of temporary vegetation. If pollution can be controlled only by treatment, necessary water treatment facilities shall be operated and maintained by the permittee for as long as treatment is required.

Section 2. Sealing of Surface Openings. (1) Vertical holes such as boreholes, shafts and wells, and approximately horizontal holes such as auger holes, shall be cased, sealed or otherwise managed to prevent pollution of surface or groundwater and to prevent mixing of groundwaters of significantly different quality.

(2) All boreholes that are within the permit area but are outside the area of the surface coal mining area or which extend beneath the coal to be mined and into water-bearing strata shall be plugged permanently in a manner approved by the cabinet, unless the boreholes have been approved for use in monitoring.

Section 3. Water Rights and Replacement. The permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from surface operations of underground coal mining by the permittee. (4 Ky.R. 420; eff. 5-3-78; Am. 522; 5 Ky.R. 229; eff. 8-23-78; TAm eff. 8-9-2007.)